

REMARKS

In the Office Action the Examiner noted that claims 1-29 are pending in the application, claims 18-29 are allowed, and claims 1, 2, 10, 11, 14, 15 and 17 are rejected. The Examiner also objected to claims 3-9, 12, 13 and 16. The Examiner's rejections and objections are obviated or traversed below, and reconsideration of all claims is respectfully requested.

Claims 1, 2, 10, 11 and 14 are cancelled without prejudice or disclaimer. Claims 3, 12, and 15 are rewritten in independent form so that the scope of these claims is unchanged. Claim 17 is amended to depend from claim 15.

Rejection of Claims Under 35 U.S.C. § 102(b)

In items 2-5 on pages 2-3 of the Office Action, the Examiner rejected claims 1-2, 10, 14 and 17 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 3,790,735 issued to Peters, Jr.; JP-01070619A to Nobuto et al (hereinafter referred to as "Nobuto"); and JP-02213086A issued to Okuda. Claims 1, 2, 10 and 14 are cancelled without prejudice or disclaimer, and claim 17 has been amended to depend from claim 15. Therefore, withdrawal of this rejection is respectfully requested.

Rejection of Claims Under 35 U.S.C. § 103

In items 6-7 on page 3 of the Office Action, the Examiner rejected claims 11 and 15 under 35 U.S.C. § 103(a) as being unpatentable over Peters, Jr. or Nobuto or Okuda in view of U.S. Patent 6,660,981 issued to Ogata et al. (hereinafter referred to as "Ogata"). This rejection is respectfully traversed.

Claim 11 is cancelled without prejudice or disclaimer, and claim 15 is rewritten in independent form so that its scope is not changed.

It is respectfully submitted that Peters, Jr. or Nobuto or Okuda, in view of Ogata, would not disclose, teach or suggest at least "heating and cooking the food using a heater suitable for the cooking container depending on the detected current," as recited in claim 15.

As pointed out in item 10 on page 4 of the Office Action, the prior art of record does not show or suggest determining "whether the material of the cooking container is suitable for induction heating depending on a detected current in the induction heater. . . ."

Therefore, for at least these reasons, it is respectfully submitted that claim 15 patentably distinguishes over the cited references.

In addition, because claim 11 is cancelled without prejudice or disclaimer, withdrawal of this rejection is respectfully requested.

In item 8 on page 3 of the Office Action, the Examiner objected to claims 3-9, 12-13 and 16 as being dependent upon a rejected base claim. Claims 3 and 12 have been rewritten in independent form. In addition, claim 16 depends from claim 15, which is rewritten in independent form and as discussed above is in condition for allowance. Therefore, for at least these reasons, it respectfully submitted that claims 3-9, 12-13 and 16 are in condition for allowance.

Summary

Claims 1, 2, 10, 11 and 14 are cancelled without prejudice or disclaimer. Accordingly, claims 3-9, 12, 13 and 15-29 are pending and under consideration. It is respectfully submitted that none of the references taken alone or in combination disclose the present claimed invention. There being no further outstanding objections or rejections, it is respectfully submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

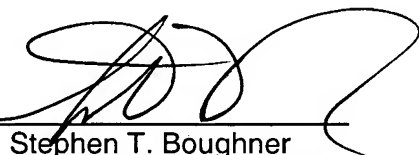
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned and tend to these matters.

If there are any additional fees associated with filing of this amendment, please charge the same to Deposit Account No. 19-3935.

Respectfully submitted,

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